
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Ondas De Vida Network, Inc.
Licensee of Station K284CD

Quartz Hill, California

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File No.: EB-FIELDWR-16-00021541
NOV No.: V201732900002

Facility ID: 141344

NOTICE OF VIOLATION

Released: March 2, 2017

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Ondas De Vida Network, Inc. (Ondas De Vida), licensee of FM translator station K284CD, Quartz Hill, California (Facility ID No. 141344) (Station). Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On February 22, 2017 an agent of the Enforcement Bureau's Los Angeles Field Office inspected the Station operating in Palmdale, California, and observed the following violation(s):

- a. 47 C.F.R. § 1.903(a): "*General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." During the inspection on February 22, 2017 the agent observed the Station operating from a unauthorized location with the geographic coordinates of 34° 30' 53" North Latitude, 118° 05' 12" West Longitude. This location is several miles distant from the location authorized on the Station's license³ or the currently authorized construction permit.⁴ In addition, during the February 22, 2017

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ See FCC File No. BLFT-20160218AAB (License).

⁴ See FCC File No. BPFT-20160316ABM (Construction Permit)

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inspection, the agent observed the Station operating with a Crown FM-30 transmitter, which indicated a transmitter power output (TPO) of 15 Watts. Based on the antenna location and configuration, the agent estimated the station operated with an effective radiated power (ERP) of 60 Watts, which exceeds the 8 Watts ERP authorized in the License and the 10 Watts ERP authorized in the Construction Permit.⁵

- b. 47 C.F.R. § 74.1231(b) “An FM translator may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified, and originating programming to the extent authorized in paragraphs (f), (g), and (h) of this section.” At the time of the monitoring and inspection, the Station was not transmitting the programming of the associated primary station specified in the License (KODV(FM), Barstow California (Facility ID No. 122214)). Instead, the agent found that the Station was transmitting original programming from another source for extended periods of time.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁶ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Ondas De Vida must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁷

4. In accordance with Section 1.16 of the Rules, we direct Ondas De Vida to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ondas De Vida with personal knowledge of the representations provided in Ondas De Vida’s response, verifying the truth and accuracy of the information therein,⁸ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or

⁵ See License at 2; Construction Permit at 2.

⁶ 47 U.S.C. § 308(b).

⁷ 47 C.F.R. § 1.89(c).

⁸ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁹

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

6. This Notice shall be sent to Ondas De Vida Network, Inc., at its address of record.

7. The Privacy Act of 1974¹⁰ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director, Region Three

⁹ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

¹⁰ P.L. 93-579, 5 U.S.C. § 552a(e)(3).